



DIRECTORS GUILD OF CANADA
LA GUILDE CANADIENNE DES RÉALISATEURS

INDEPENDENT AUDIT OF DGC ANTI-HARASSMENT POLICIES AND PRACTICES

Report of Document Review and Cross-Canada Listening Tour

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Executive Summary

An authoritarian style has characterized management in the film and television industry. From the industry's beginning, many of the roles held by DGC members have been dominated by men, who are sometimes seen as being part of a boys' club. Macho behaviour, including using foul and sexualized language and aggressive shows of ego, is commonplace and can lead to abusive behaviour, such as berating and demeaning subordinates, being accepted as normal. For workers who are free-lancers and compete for jobs in a precarious industry, complaining is generally seen as "being a problem" and can easily lead to being fired or not being hired in the future. In this environment, it is not surprising that reports of bullying are widespread. Women are especially vulnerable to unwanted sexual advances, comments and touching. In other cases, the sexualized name-calling, groping or assaults can be used to "put women in their place" and make them feel unwelcome in the workplace.

When high profile cases of harassment were called out in the industry, the National Executive Board (NEB) of the DGC quickly resolved to work with other industry partners to tackle the issues. The DGC named Kendrie Upton of the DGC BC to head up efforts, and the Guild immediately participated in cross-industry discussions following the allegations of courageous women in the industry who launched the #MeToo campaign, including the #AfterMeToo discussions and the formation of several working groups.

In parallel, the NEB adopted a resolution (with the support of the Guild's District Councils) to audit its own policies and practices to protect members from harassment and sexual misconduct. The DGC retained Daina Green to conduct a Listening Tour. Over 100 DGC members responded to the call to participate. Days in each city for in-person interviews were limited, but more than 60 DGC members in BC, Alberta, Manitoba, Ontario and Atlantic Canada made themselves available to describe their workplace experiences in person. The audit also collected recommendations from members, staff and leaders on ways to improve the climate and create more respectful workplaces. The audit included a review of existing policies and practices inside and outside the DGC as well as legislation related to legal avenues available to workers who have experienced workplace harassment or sexual harassment in jurisdictions across the country.

Key findings

While the members who participated in the Listening Tour were self-selected and cannot be considered a representative sample, their reports were very consistent across districts and categories.

- Most participants reported experiencing or witnessing harassing behaviour on a job. Members report being the object of humiliating comments in front of others, foul language and cursing directed at them, or objects thrown in anger. Many women and some men also report recent sexual misconduct ranging from inappropriate comments of a sexual nature to assault by members of other unions, producers, and other DGC members.
- A number of incidents of sexual assault occurring in the workplace or in places under the employer's purview were related during the Listening Tour. Most of these reported assaults took place more than five years ago. However, even for most recent incidents, members chose not to report them to the Guild, the employer or the police due to lack of confidence in the process.
- A culture of fear of reprisal and belief that such behaviour will go unpunished prevails. Members express a belief that complaining can result in being fired or passed over for future job opportunities, with the reason for not being hired being almost impossible to prove. This applies also to members who witness bullying or harassment of others.
- Staff and elected leaders are highly aware of the prevalence of the issue and are hoping to gain access to additional training and resources to be able to address member allegations more effectively.
- Most members believe the Guild can and should do more to protect them and feel that the Guild has taken a very positive step by initiating the Listening Tour and requesting recommendations. Some express scepticism that the Guild will take effective action.
- Members working in supervisory roles express a lack of comfort or confidence in dealing effectively with allegations of harassment.
- The Respectful Workplace training developed by Natasha Tony of IATSE 891, which has been customized and rolled out in many districts, is highly praised by members

and staff for its effectiveness in raising awareness about appropriate and inappropriate behaviour at work.

- There were few reports of overt racist behaviour, although racialized members who came to Canada from elsewhere reported that their previous experience was not valued and that it was very difficult to “break into” work through the Guild. There was one report of objectionable comments made about Indigenous people during a film shoot in the north. Regrettably, no members participating in the Listening Tour identified themselves as Indigenous, possibly due to a lack of specific outreach.

Key recommendations

The Guild has taken many positive steps to address the issues experienced by members on the job, but the Guild alone cannot bring about the change in workplace culture that is necessary to end harassment, bullying and sexual misconduct in the workplace. Members praise the professionalism of DGC staff in supporting them when they report harassing behaviour. But given the multiple groups of workers and layers of management involved, and the fact that free-lancers can never be fully protected from the silent reprisal of not being called for future work, there is no quick fix. The following recommendations are an attempt to “put our arms around” the problem, by offering measures to all parties that will support members, staff and employers in preventing harassment and resolving complaints expeditiously, and above all, fairly.

- 1. Content on respectful workplace and psychological safety to be added to on-set safety talks (including development of “canned” content that all members in supervisory roles can deliver easily)**
- 2. Clear definitions of harassment and related inappropriate behaviour; development of information sheet for workplace posting of responsibilities and rights**
- 3. Training for staff on handling of allegations of harassment**
- 4. Mandatory training for those in management roles, and for those advancing through categories, on their legal responsibility to maintain a harassment free workplace, how to identify harassment and inappropriate behaviour, and what to do if such behaviour is observed or reported**
- 5. HR services hired at arms-length on behalf of all industry partners and funded by producers to support union/Guild staff, members, and those in**

management roles, including reception of complaints, and guidance on handling of complaints, training, investigation, mediation and resolution, including restorative justice where appropriate

- 6. Establish a peer support program and enhance the Guild's mentoring program(s)**
- 7. Provide a single hotline across the country (one-stop) to receive complaints and requests for intervention or information relating to inappropriate behaviour and harassment**
- 8. Explore web-based *information escrow* applications such as SafeSpace software to preserve documentation of incidents and allow complainants to identify common harassers** (more information and links in body of report and Appendix C)

Introduction and Focus

With high profile cases of harassment being called out in the industry, the DGC took decisive steps in November 2017 to address the issue within the membership. In fulfillment of one of two resolutions approved by the National Executive Board (NEB), I was retained as an external and independent consultant to canvass the membership about their workplace experiences and review the Guild's existing policies and practices.

The NEB took very seriously the allegations of the courageous women in the industry who launched the #MeToo campaign, followed by the #AfterMeToo cross-industry consultation on the extent of sexual misconduct and sexual and other forms of harassment. The DGC's audit consisting of a broad consultation in January 2018 probed the current climate in the industry for members across Canada. The review of policies and practices identified and analyzed the measures currently in place to protect members and ensure due process both for those alleging harassment and those accused of harassment. The research was complemented by a legal analysis of current legislation regarding the responsibility of employers to ensure a harassment-free workplace in key jurisdictions across the country, and mechanisms to address complaints.

As well as sharing their experiences, members offered constructive suggestions to improve the working environment. These recommendations are set out at the end of this report.

Description of the Audit

The audit was promoted as the "DGC Listening Tour." On December 13, 2017, DGC members and staff received an individual invitation letter signed by Kendrie Upton, Executive Director for the DGC BC District, who took on the national leadership of the Guild's new initiatives to combat harassment and work towards safe and respectful workplaces in the industry. The letter invited members interested in sharing their personal observations and experiences about harassment and other discriminatory behaviour to contact the consultant directly and in confidence by email.

The members taking part in the audit were self-selected. More than 100 members corresponded with me. Those who requested face-to-face meetings were scheduled for one-hour interviews in Vancouver, Calgary, Winnipeg, Toronto, Montreal and Halifax. Members who were not available during the days scheduled for their city, or who live in cities where in-person meetings were not offered, were invited to schedule a telephone or videoconference meeting or send their comments in writing.

The one-on-one interviews were held in neutral locations (rather than DGC offices). Each member was assured that their comments would be held in confidence and that no information would be divulged that could identify them individually. The interviews were also scheduled such that members would not encounter other members at the meeting location.

In the interviews, members were encouraged to share their *most current* experiences and views as they wished. I also posed some of the specific questions developed in advance, including asking what the Guild should do to ensure a safer and more respectful workplace. The list of questions used in the interviews is attached as APPENDIX A. Members were also invited to send further comments or recommendations to me by email, and a number of them did so.

Who participated in the Audit

Prior to the interviews, I met with key staff of the DGC National including Kendrie Upton (Executive Director for the DGC BC, leading the anti-harassment strategy and audit), Dave Forget (National Director for Policy), and Brian Baker (DGC National Executive Director). Other leaders were interviewed during the course of the tour. The concerns expressed in these interviews identified salient issues within the Guild, as well as relevant documents for review.

More than 100 members indicated their interest in taking part in the audit. I interviewed a total of 61 individual members (43 women and 18 men) plus those who attended group or individual meetings with staff and/or elected officers in each district (BC, Alberta, Manitoba, Ontario, Quebec and Atlantic Canada), and a number of individuals connected to the industry outside the DGC. Not all those who attended brought complaints about harassing behaviour or misconduct, but all expressed a desire to contribute to an improved working environment.

There was a broad distribution of categories represented among the Guild members interviewed:

Category	Number Interviewed
ASSISTANT DIRECTORS	16
DIRECTORS	9
ACCOUNTING	9
LOCATION MANAGERS/ALMs	8
PRODUCTION ASSISTANTS	6
ART DIRECTORS/ASSISTANTS	5
PRODUCTION MANAGERS	3
EDITORS	2
PRODUCTION COORDINATORS	2
TRAINEE (GAP)	1

I met with a number of staff in the DGC Ontario office to identify relevant training documents and policies, and to discuss staff response to harassment complaints that had come forward from members.

I was not able to interview anyone who admitted to or had been accused of improper conduct.

A selection of documents consulted

1. DGC National Constitution
2. Core DGC/CMPA Standard Agreement (2016-2018)
3. Entente collective DGC Québec/AQPM pour réalisateurs (2016-2019) (Articles 4.05 and 4.06)
4. DGC BC 2015 Collective Agreement effective April 1, 2015 — March 31, 2018 (Article 4.3)
5. Agreement between the DGC and National Film Board (Definitions and Article 3)
6. Respectful Workplace Course outlines and materials
7. What's Wrong With This Picture? Directors and Gender Inequality in the Canadian Screen-Based Production Industry (2016, prepared for the Canadian Unions for Equality on Screen (CUES))
8. DGC BC Harassment Survey

What is harassment?

Laws in Ontario, British Columbia and Quebec, as well as other provinces, prohibit several types of behaviour considered workplace harassment and violence, and specifically distinguish sexual harassment. Protection from all forms of harassment is considered part of the employer's responsibility to provide a safe workplace. This is a pro-active obligation rather than one that relies on complaints.

Another term frequently heard in relation to this issue is *sexual misconduct*. Sexual misconduct ranges from inappropriate leering, touching, and suggestions, to threat of assault and actual physical assault. These forms of unacceptable behaviour are covered under health and safety legislation, human rights legislation, and, in some cases, the Criminal Code.

There are multiple collective agreements that apply between the DGC and employers. They differ by jurisdiction and sector. The Core DGC/CMPA agreement (2016-2018) has enshrined the understanding of the employer's responsibility to maintain a harassment-free workplace in Article 4.05. Similarly, the Quebec agreement between the Guild and the AQPM ([Entente collective DGC Québec/AQPM pour réalisateurs \(2016-2019\)](#)). The BC agreement commits to compliance with all BC laws and prohibits harassment by the employer but does not specify the pro-active obligation to maintain a harassment-free workplace, currently required by law.

While the specific language in each contract may vary from the legal provisions, the overall definition of harassment is generally covered appropriately, although not all specify the pro-active responsibility or address workplace violence. The language of the Core agreement is typical:

Harassment is any conduct or comment which is known, or ought reasonably to be known, to be unwelcome or offensive, which creates an intimidating working environment, or which denies individual dignity and respect.

...

For the purpose of Article 4.05, sexual harassment includes an incident involving an unwelcome sexual advance, a request for sexual favour, or other verbal or physical conduct of a sexual nature.

In addition to collective agreement language, protection against harassment is found in health and safety laws and regulations as well as in human rights legislation. The basic definition cited above has been extended and/or interpreted beyond "a workplace" to include harassment which is connected to employment or which has job-related

consequences. As well, most legal definitions refer to “a course of conduct” rather than “any conduct”, although a single serious event may be found to constitute harassment.

The inclusion of these clauses is important because it confers the right of grievance for contravention, potentially an important avenue of resolution, and one that must be pursued before appeals to provincial labour or human rights authorities in most cases.

A more extensive discussion of definitional language is found in APPENDIX B.

Characteristics of the DGC

The Directors Guild of Canada (DGC) is a labour organization with national representation composed of District Councils. The DGC negotiates and administers collective agreements on behalf of precariously employed professionals in all areas of direction, design, production and editing of the screen-based industry. The DGC lobbies extensively on issues of concern including Canadian content requirements, CRTC regulations and ensuring that financial support is maintained for film and television production in Canada. The DGC collaborates closely with organizations representing other workers in the film industry. The categories represented by the DGC vary by jurisdiction. The DGC does not function as a hiring hall and has no influence over which individuals get work. Because employers are free to hire any DGC member in good standing without prior regard for seniority, work is precarious for all members, regardless of their experience.

The DGC is clear that the requirement to maintain a harassment-free workplace belongs to the employer. While DGC members may be in supervisory or management roles, the employer (or engager) is responsible to ensure that members in these roles have the competencies and support to carry out their pro-active obligations. In the breach, where the employer has done little to prevent or address incidents of harassment, members may be expecting the DGC to take over the receiving and investigation of complaints, but this is not the Union’s role. None of the recommendations in this report usurp the employer’s role. Rather, the recommendations offer measures to support members, DGC staff and employers in understanding and carrying out their part in maintaining a workplace free of harassment and violence of all types.

Characteristics of the work of DGC members

Working on a show is intense. A crew must come together very quickly. Everyone’s part is essential to bring the project to a successful conclusion. There are time pressures and large sums of money involved. The project has an end date, and working to finish the production means work days that are very long, many meals eaten on the job with

colleagues, and regular sleeping patterns and family life put on hold. In this environment, mistakes are made, assignments change without notice, and tempers can flare. Every DGC member recognizes this scenario and has experienced being yelled at or blamed for something they did not do at one time or another.

A report prepared for the Canadian Unions for Equality on Screen (CUES) in 2016 characterized the work as follows:

Precarious employment is a defining feature of work and life for the talent pool that is the core infrastructure of the screen-based production industry. The absence of a stable workplace, inconsistent employment and income insecurity for the workforce, intensely competitive labour markets, and highly mobile, transient employers pose serious challenges for developing a gender equity strategy on an industrial scale¹

The industry is full of individuals who love what they do and thrive on the camaraderie of teamwork. It is also full of individuals with considerable egos, insecurities and interpersonal styles that would not be very welcome in a typical office or industrial workplace.

The DGC has been actively addressing these issues for some time

The commitment to this audit follows a number of initiatives within the DGC to address issues of workplace harassment. The DGC BC Respectful Workplace Committee studied the issues in 2015. Its objectives were framed as follows:

- 1. To educate ALL DGC members on what a respectful workplace is.*
- 2. To find ways for members to feel safe when reporting workplace abuse and Collective Agreement coercion. To find ways for members to feel safe in the workplace, and let people who engage in bullying, abusive and coercive behaviour know that there are consequences for their actions.*
- 3. To promote greater transparency about workplace abuse on DGC shows and what the Guild is doing to protect its members.*
- 4. To help the Guild be more proactive in protecting its members.*

¹ Source: What's wrong with this picture? Directors and gender inequality in the Canadian screen-based production industry (2016) Report prepared for the Canadian Unions for Equality on Screen (CUES). Author contact: amanda.coles@unimelb.edu.au

The DGC BC Respectful Workplace Committee conducted a survey of the membership and reported the following conclusions in July 2015:

- *Abuse is a very real problem that's happening to our members.*
- *The abuse is primarily happening BY members TO members – with senior members being the largest group of abusers.*
- *A large number of abusive behaviours are under reported because the members feel nothing can/will be done, and/or are afraid of the consequences to their careers if they report the abuse.*
- *The members want the Guild to take a fully active role in searching out abusive, bullying or coercive behaviour.*

DGC BC instituted a dedicated “hotline” for members to register their complaints. The portal includes both anonymous telephone and web form options. Non-anonymous complaints are followed up and can be further investigated by DGC BC staff.

The Ontario District Council commissioned a customized course on Respectful Workplaces, which it has made mandatory for all entry level members. The course, developed in conjunction with IATSE 891 representative Natasha Tony, is one of the most comprehensive and well-constructed courses available on the topic, and has been fully tailored to the characteristics of the DGC membership in several Districts. The course was commented on positively by numerous Listening Tour participants.

While the focus of the current audit is on sexual harassment, the Guild has been addressing the issues of inequity and discriminatory treatment more broadly. In 2015, the DGC National created a Diversity Committee including DGC members from across Canada. In conjunction with the Canadian Media Producers Association, the DGC agreed to establish a Joint Diversity Committee to study and make recommendations respecting issues of diversity within the Film, Television and Digital Media Industry, as reported in the 2016 Annual Report.

Findings

An authoritarian style has characterized management in the film industry. From the industry's beginning, many of the roles held by DGC members have been dominated by men, who are sometimes seen as being part of a boys' club. Macho behaviour, including using foul and sexualized language and aggressive shows of ego, is commonplace and can lead to abusive behaviour being accepted as normal, such as berating and demeaning subordinates. For workers who are free-lancers and compete for jobs in a precarious industry, complaining is generally seen as "being a problem" and can easily lead to being fired or not being hired in the future. In this environment, it is not surprising that reports of bullying are widespread. Women are especially vulnerable to unwanted sexual advances, comments and touching. In other cases, the sexualized name-calling, groping or assaults can be used to "put women in their place" and make them feel unwelcome in the workplace. Some men have also reported sexual harassment by women or men.

Abuse of perceived power is at the root of most of the cases reported. The incidents typically involved either abusive behaviour from a department head to a subordinate, or an attempt to assert superiority between categories not in a strict hierarchy (as between Assistant Directors and Directors of Photography). These incidents do not tend to be "crimes of opportunity," which would be the case if a predator were just waiting for a victim to come along. In fact, bullying and sexually harassing behaviour are sometimes conducted openly and in front of others, as evidence that the harasser believes in his or her impunity. Almost always the alleged harasser is seen to be in a position to get the complainant fired or damage the person's professional reputation. This imbalance of power generally results in the complainant not coming forward with the allegation.

Members expressed appreciation for the Guild's concern for the issue. Several people said that the Listening Tour was an excellent first step toward eradicating workplace harassment, and many expressed their gratitude in writing for the opportunity to participate in the interviews. Some examples follow.

1. I wanted to drop a quick note to express my gratitude for sitting with me today and listening. I can't thank you enough and am so appreciative of the work you are doing.

2. Your response to what I wrote is the first time I feel like there is true hope. Sometimes actually being listened and heard... and not have my experiences minimized or reflected back to me as "just how the industry is " is the most powerful reconciliation there can be. I wasn't sure if I was going to write and share just some of my experiences, but I'm now very

glad I did. Thank you again for your work, for listening and for hearing. You're such a vital part of real change.

3. I have thought of you so many times this week, opening your heart to us and hearing so many stories- some you expect and some that we can't even imagine. I can only imagine what you will have learned when it's all over, you Brave Woman you. Thank you for giving us all this space and being such an incredible listener.

4. Thanks again for yesterday. I feel much lighter and calmer today than I have in a long time. This was important and necessary. Being validated. Gratitude.

5. Apologies once again for missing our meeting, and thank you for rescheduling on the fly! It is a very good thing that you are doing - and that the Guild is doing.

6. Please pass on my thanks to the Directors Guild for taking a very important first step in enacting change that is necessary and a long time coming. I am grateful to have finally been heard.

The most common day-to-day form of harassment identified in the audit is bullying. Bullying may include – but is not limited to – yelling, screaming, verbal abuse, hitting or throwing things, shaming and blaming, belittling and isolation, harsh criticism in front of others, sarcasm or other cutting comments. When this behaviour takes on a sexualized or gendered form it can be characterized as sexual harassment. In this consultation, members most frequently reported the following types of harassment:

1. Criticism characterized by uncontrolled bad temper (yelling, insulting, cursing, humiliating members and other workers)
2. Use of sexualized language or images to denigrate, objectify or dehumanize women
3. Inappropriate sexual touching or advances (sexual misconduct, assault, or threat of assault)

The Guild, as an organization representing multiple categories within the industry, must always be mindful of its duty of fair representation of all its members. That is, the DGC has the legal responsibility to provide all members with due process and natural justice. This duty entails a difficult balance of responsibility toward members bringing forward allegations as well as those who are the object of those allegations. Staff interviewed recognized the importance of providing support to those coming forward with complaints, but report they may have to scramble to ensure separate representation for the person accused of misconduct, and to maintain the presumption of innocence. The DGC

representatives reported a clear awareness of the need to work toward a fair resolution of substantiated complaints that is satisfactory to the person alleging harassment, and also for any disciplinary action to be applied in an appropriate way.

There is legitimate concern among members about possible over-zealousness by employers in applying punishments. As with any process of cultural change, behaviour does not change without learning, and learning is a process. Members of the DGC need the opportunity to learn the new parameters of acceptable and respectful behaviour and adapt their conduct.

A selection of members' comments (French comments have been translated into English)

Bullying

"Some women can be bullies and they will favour the men in the office and be harder on the women." (Production Department)

"Members of the PA caucus, particularly the younger or the less assertive, are mildly bullied by some members of the other unions and, unfortunately, by some members of our own. This military-esque attitude toward the "lower rank", I feel, sets a tone that can fuel more extreme offenses." (PA)

"The Production Designer asked me if I knew how to use a certain graphics software. I said no. He said, 'So why the fuck are you here?' That was his style, to crush people and diminish their self-esteem." (Art Department)

"The accounting department used to receive a text in the morning to tell us what mood the key was in. She yelled at all the assistants and made everyone cry. So one of them quit because of the bullying. Then she started directing her anger at me. We were so far behind with no staff in the office! The situation was making me ill, so I did complain. The studio sent someone up to investigate, but the accounting crew were too intimidated to talk about the harassment. Perhaps if they had been interviewed one at a time, they would have backed me up on the complaint." (Accounting)

"The 1AD was very good at her job but she was very volatile. She berated her staff and yelled at them. The producer said, 'She's a bully, you should let her know you won't take it.' But the producer would not intervene. I guess I was supposed to 'bite the bear back.' The

Business Agent asked me if I wanted to pursue it, but I did not know what the next level would have been. I resigned.” (AD)

“I recently found out from another crew member that they had had a similar experience with the same individual, during the same production I was working on. However, they had not complained to the Guild until the production in question had concluded.” (PA)

“This key accountant was a tyrant. But the key doesn’t have to be in a union, they might be hired by the studio and not be under the control of anyone on set, and the producers value them highly. You can’t do anything about it.” (Accountant)

“One assistant I hired was a real slacker, but when myself (in person) and the designer (by phone) talked to him privately to explain the expectations of the job, he went around the production telling everyone I was harassing him and that I was a bully. The whole thing blew up and I ended up feeling discouraged and disheartened. Even though management supported me I was utterly demoralized and I finally just handed in my resignation - For the moment I have lost my confidence.” (Art Department)

“Will there be positive results of this audit? My last complaint to the Guild went right into the garbage. The bullies are still working.” (Accounting)

Discrimination and Lack of Leadership

“Base camp is like Las Vegas - what goes on there stays there. If I were to break confidence about bad behaviour there I would never get work again.” (AD)

“We talk about ‘cinematic immunity’ (Locations Department)

“One person who reports to me said, ‘I’m not homophobic but I don’t like it when gay dudes touch me.’” (Art Department)

“Has it gotten better? I don’t know. It depends who you work with.” (Production Department)

“ADs get training on worksites, they learn from bad models. They bark at each other.” (Production Department)

“As a woman, I have to give my 400% or a guy will get the work.” (Art Department)

"I have more than ten years of experience in the film industry outside of Canada, but I've found it very hard to get work at first. My husband once suggested I should change my name on my résumé to a more international one, but I don't want to because I am not ashamed of my name." (AD)

"What bothers me now thinking about the interview is how I didn't stand up for myself. I never said anything to tell him that calling me "a pretty girl" and him asking me about having children was not appropriate or necessary. The reason I didn't was because I was an Apprentice and I had only worked 3 of my required 50 days." (PA)

Sexual Harassment and Assault

"A supervisor started commenting on my underwear, and then he said he was going to call me on the weekend. He said, 'You know, you're driving me crazy.' I told him I was not interested. He stopped talking to me. He started switching my tasks and taking things off my desk. I left the project as soon as I could." (Art Department)

"On the second day on the job, a grip referred to me as 'fresh meat' to another grip." (AD)

"An actor grabbed me and kissed me. I told her, 'Let's keep this professional,' but she continued to pursue me." (AD)

"I was standing near a wall during a shoot, and when the boom operator came around, I backed into a hand grabbing my ass with all fingers. But we were rolling so I could not speak. I went right to the producer and called the guy's union and the DGC. I wanted to file a formal complaint. His representative didn't look surprised, it seems to me it was not the first complaint against him. A different department head hired him." (AD)

"If you are sexually harassed by someone higher up, you are supposed to make it a joke so they don't lose face. You have to protect their male egos." (AD)

"Without attacking inequality in this boys' club, women will continue to be assaulted, underpaid, and denied opportunities" (AD)

"I would come to sign [the actor] out in the trailer and he would be wearing thong underwear one day and be completely naked the next day. I stopped signing him out and asked a guy from another union to sign him out." (AD)

“On the set, the lamp ops and grips lay bets about who will get to sleep with you first. How can we make them realize that these comments are uncool?” (AD)

“An executive producer invited me out for dinner with two other producers as we were wrapping a show. The executive producer said they all wanted me to be on the next show. At the end of dinner, the executive producer said ‘Hey, do you want to come back to my room with me?’ I demurred and tried not to bruise his ego. I did not get a call back.” (AD)

The Opposite of Support/ Fear of Reprisal

"I wanted to quit every single day. I barely limped my way over the finish line to get my DGC days in. Now I try to turn my bad lessons I have learned into good practices. My crew feels that I am looking out for them." (Production Department)

"As a person who hires 3ADs, I am trying to get more women in. I check which trainees need more days to become 3ADs and hire them." (AD)

"Perhaps there could be a go-to woman on set to talk to. Bosses can be a little bit scary. You don't want to rock the boat, you don't want to be the problem." (AD)

"Another 3AD tried to take over my work, standing in front of me and talking to the 1AD in my place. He made fun of me and said 'So, how does it feel to be in charge?' and started poking me with his walkie. I had to walk around the block ten times to cool off. I thought the Guild should discipline him because he is also a member. He may have already done damage to my name. I fear having to work with him again. It ruined my self-confidence. People don't change unless there are consequences." (AD)

"It was better to stay on and suffer than to quit. I was afraid the director and the AD, who were trying to blame me for everything, might sue me and ruin my career." (AD)

"Unions are siloed. If the problem is with someone in another union or guild, the DGC staff listen to me with great empathy but they cannot do anything to resolve it." (AD)

"You put your heart and soul into it. You occasionally get praise, but you always hear about even a tiny mistake." (AD)

"If a guy makes degrading comments, the PM should give him a warning, like 'that's the last time you make a comment like that,' and tell his union." (Accounting)

"Learning on the job how to be a good AD is like learning to drive on a race course." (AD)

"We were filming at night in a dark alley with only four parking spots. One of the crew with an assigned spot was very angry at me because I didn't let him park where he wanted. He started screaming at me and berating me and calling me names I would rather not repeat while he squeezed me up against his large vehicle. He is a very tall intimidating looking man. I was terrified. When I escaped, I called the LM telling him what had happened and that I quit. The LM asked me to stay and finish the location wrap. I believe he or someone

else called the 1-800 line. A studio lawyer also called and got my account the next day. A few weeks later, an LA producer said, 'You should feel lucky to be on such a successful show, if you call the 1-800 line for something like this again you can consider yourself unemployed.' The guy who intimidated me was disciplined, but the actors stood up for him and said if he was fired then they would quit. I endured another month before I finally came to my senses and quit." (Locations Department)

Trends from the interviews

- Overall, women were very aware of harassment in the workplace while some men were less aware and had not observed harassing behaviour. Most members interviewed, both male and female, were unsure about the procedure to follow if they wished to pursue a complaint.
- Fear of reprisal is real, and reprisal is usually silent. The DGC cannot effectively protect members against loss of future employment opportunities, and the reason for not being hired is rarely made explicit. This applies as well to those who observe harassment of others who wish they could call out the inappropriate behaviour but fear retaliation.
- Long working hours are a factor contributing to unprofessional behaviour in the workplace. Is it reasonable to expect people to be on their best behaviour after 12, 14 or 16 hours on the job? The effects of fatigue on workers in the BC film industry were studied in 2015². The comments by participating Guild members (Appendix E of the BC report) indicated that virtually no respondents were getting the right amount of sleep when working either nights or days, and most did not get enough sleep on days off. Almost half reported that they were frequently or almost always tired. Fully 68% indicated that their work schedule interferes "very much" with regular physical activity. Interestingly, only a small number (5%) linked the long hours with lack of respect, attitudes and tempers flaring. However, comments mentioned exhaustion, trouble maintaining personal relationships, trouble maintaining healthy life habits, and PAs being constantly humiliated and treated like "talking traffic cones."

² Fatigue, Work, Health and Lifestyle Survey Analysis, BC Film Industry Vancouver BC. Conducted by Six Safety Systems, 2015. DGC BC members participating in the survey included 117 PAs, 44 Production Coordinators, 33 Location Managers and 30 Assistant Directors.

- A number of young workers interviewed stated their imminent intention to leave the industry, in large part because of the difficulty of maintaining a balance between work and personal life.
- A number of incidents of sexual assault occurring in the workplace or in places under the employer's purview were related during the Listening Tour. Most of these reported assaults took place more than five years ago. However, even for most recent incidents, members chose not to report them to the Guild, the employer or the police due to lack of confidence in the process.
- A number of older members interviewed, especially women, cited the lingering effects of past harassment on their current performance. At least five highly experienced women in their 50s described recurring harassment that affected them so severely that they lost confidence in their abilities and were terrified of taking on new work, even when they had competently carried out those roles for years.
- Few racialized members participated in the Listening Tour. Of those who did, few reported overt racist behaviour. However, racialized members who came to Canada from elsewhere reported that their previous experience was not valued and that it was very difficult to "break into" work through the Guild. Implicit bias, often unconscious, likely plays a role in selection of crew members, as many studies have shown.
- There was one report of objectionable comments made about Indigenous people during a film shoot in the north. Regrettably, no members participating in the Listening Tour identified themselves as Indigenous. More specific outreach would be needed to ensure the voices of Indigenous members are heard.

Key Recommendations

The Guild has taken many positive steps to address the issues experienced by members on the job. However, it is clear that the Guild alone cannot bring about the change in workplace culture that is necessary to end harassment, bullying and sexual misconduct in the workplace. Members praise the professionalism of DGC staff, and their availability by phone and in some cases, on set, to support members in their complaints of inappropriate behaviour. But film and television sets involve multiple groups of workers and layers of management. Since free-lancers can never be fully protected from the silent reprisal of not being called for future work, there is no quick fix to the fear members have of coming forward when harassment occurs. The Guild is already working actively with other labour organizations and employer groups to seek joint solutions. Taken together, the recommendations from the Listening Tour, which come directly from members, leaders and staff, are an attempt to approach the issues from multiple sides, by offering measures to all parties that will support members, staff and employers in preventing harassment and resolving complaints expeditiously, and above all, fairly.

1. Content on respectful workplace and psychological safety to be added to on-set safety talks (including development of “canned” content that all members in supervisory roles can deliver easily)

Many members report that safety talks are held regularly, especially when any stunts are to be filmed. Since maintaining a harassment-free workplace is part of workplace safety, these opportunities could be used to promote respectful conduct and explain harassment and bullying, including what members can do if they observe or experience harassment. Talking points could be developed and provided to members to help them lead these talks. *This is an inexpensive remedial measure.*

2. Clear definitions of harassment and related inappropriate behaviour; development of information sheet for workplace posting of responsibilities and rights

Some members expressed uncertainty about what behaviour is and is not acceptable in a film workplace. A one-page explanation including clear definitions could be prepared for posting in workplaces. This might allow comments to be made to stop inappropriate behaviour in a way that is seen as less heavy-handed. Additionally, a poster should be developed explaining the steps to follow in order to bring forward a complaint. A few

short paragraphs could also be included in every deal memo. *These are inexpensive remedial measures.*

3. Training for staff on handling of allegations of harassment

The Guild represents members who may bring forward allegations of harassment as well as those who may be accused of harassment. Through the consultations, staff in several regions requested a unified protocol for handling such situations. The development of such a set of procedures with input from staff should account for differences between requirements in different jurisdictions, but set out step-by-step actions staff should take, as well as providing options available to members who wish to pursue a complaint or grievance. Staff would then receive training and guidance on implementation of the protocol. Members generally praised staff for their professionalism in handling complaints, but the staff themselves worry that their approach is not consistent. *This is a high-priority request from staff who currently use a variety of ad hoc procedures.*

4. Mandatory training for those in management roles, and for those advancing through categories, on the legal responsibility to maintain harassment free workplaces, how to identify harassment and inappropriate behaviour, and what to do if such behaviour is observed or reported

Members with supervisory responsibilities, including Department Heads, have an obligation on behalf of the ultimate employer to ensure a harassment-free workplace. Most reportedly receive no specific training on these obligations and how to carry them out, including handling of complaints. Training on human resource practices, including conflict resolution, and access to specialized HR advice, including investigation procedures, would enhance members' ability to do their job effectively and prevent escalation of human rights contraventions.

Some districts are currently considering an advanced version of the Respectful Workplace course aimed at members in supervisory roles to help them address complaints.

A number of members suggested that this training should be made mandatory as part of membership renewal for all DGC members in leadership roles, regardless of their time in the industry. *Mandating training for existing members may meet with resistance in some Districts.*

5. HR services hired at arms-length on behalf of all industry partners and funded by producers to support union/Guild staff, members, and those in management

roles, including reception of complaints, and guidance on handling of complaints, training, investigation, mediation and resolution, including restorative justice where appropriate

The establishment of an arms-length service with specialized human resources and human rights capacity would provide DGC members with an objective and safer avenue for reporting incidents of harassment. DGC Staff and members in supervisory or department head roles would have access to specialized advice on handling complaints and options for resolution. Producers would have access to the same specialized guidance and, where investigations were delegated to the arms-length service, could receive the results of the independent investigations with recommendations for remedial actions, including progressive discipline and restorative justice measures, where appropriate.

This third-party approach would not remove the responsibility of the employer to maintain a harassment-free workplace, but rather provide support in carrying out these obligations. Such a service could be available to the entire industry in Canada, given the prevalence of multiple employee groups within film projects and the near harmonization of legal obligations to prevent harassment in force across the country. The funding to establish and maintain such a service could be negotiated among labour organizations and producer groups throughout the industry, outside of direct contract negotiations between DGC components and producer organizations. *This measure would require extensive consultation and cross-industry agreement.*

6. Establish a peer support program and enhance the Guild's mentoring program(s)

As the Guild explores ways to support members in the workplace, it is important to maximize use of resources. A number of members who participated in the consultation expressed a willingness to be trained as peer supporters, to act as a sounding board and provide informal accompaniment for their fellow members through challenging situations, before, during or after a formal process.

Many members also voiced interest in an enhanced mentoring program, in which experienced members extend their support and encouragement to younger members. *These measures would require effort in order to recruit interested members and provide them the necessary guidance or training.*

7. Provide a single hotline across the country (one-stop) to receive complaints and requests for intervention or information relating to inappropriate behaviour and harassment

The DGC BC has initiated a very well-regarded on-line and telephone “Workplace Hotline” for members experiencing harassment (currently on the front page of the DGC BC website <https://www.dgc.ca/en/british-columbia/>). Members are able to register their concerns, and Guild staff monitor the messages sent. A national website could explain the complaint process and options for seeking resolution, similar to what the DGC Quebec has produced in document form (Dossier Harcelement_prodAmericaines_final.pdf). The Quebec Construction Commission (mentioned in the Quebec document) has a very interesting model for a hotline:

(https://www.ccq.org/C_ContactezNous/C02_PlaintesCommentaires). For more information about this model, see APPENDIX C. Creating a national portal would have the additional benefit of potentially linking and tracking incidents between District Councils. Such a mechanism would also allow tracking and reporting of employers or individuals who have been the subject of multiple unresolved complaints of harassment. *This measure would require significant coordination between District Councils, unions and employers to ensure information provided lines up with procedures in each jurisdiction.*

8. Explore web-based *information escrow* applications such as SafeSpace software to preserve documentation of incidents and allow complainants to identify common harassers

A number of universities are exploring new software to allow individuals experiencing harassment or sexual violence to record and store their account of the incident and preserve it with a date stamp (information escrow). The Callisto software in the US (<https://www.projectcallisto.org/>) and the SafeSpace software in Canada (<https://www.rallyengine.com/services/safespace>) facilitate documentation as well as matching of accounts to intervene against serial harassers. The software has three major capabilities (see APPENDIX C for more details).

- 1) It allows individuals to preserve a time-stamped record of the incident, and provide as much or as little information as they feel comfortable. This avoids having to tell and re-tell traumatic events.
- 2) It preserves the privacy of the information and can be programmed to channel reports to selected internal and third-party investigators.
- 3) Using matching technology, the software helps identify key similarities or names of perpetrators – enabling individuals experiencing harassment at the hands of the

same person to contact each other and break through the feeling of being alone, and the fear of not being believed. This provides greater agency to those experiencing abuse, and allows them to decide whether or when to file a formal complaint or charge. *The DGC and other industry partners may find it valuable to explore the acquisition of such software.*

Additional Recommendations

9. Enhance the Guild's anti-harassment policies to include investigation and resolution procedures based on best practices

Currently, most collective agreements with the Guild prescribe appropriate and inappropriate behaviour and the employer's responsibility to maintain a harassment-free workplace. Some specify that the employer will undertake an investigation. Given the reluctance of many members to bring forth their complaints, further clarity about the specific procedures for investigating and resolving complaints are needed, including possible remedies. Examples of such procedures are found in APPENDIX C of this report. *This measure would require more extensive research and would require approvals.*

10. Review contractual procedures ensuring progressive discipline and effective grievance procedures

One obstacle to reporting incidents of harassment reported by members is the fear that the result will be a summary dismissal of the alleged harasser. In many cases, the person alleging harassment would be satisfied with the harasser receiving a warning and some remedial education. These would be considered *restorative justice* measures as opposed to *punitive* measures and are currently not considered in current contract provisions. The Core DCG/CMPA Agreement (see Article 13.04 (d)) provides for, potentially, three stages: oral warning, written warning, and dismissal (discharge). No one in the consultation reported the use of a written warning, but a number reported situations of immediate discharge with or without cause. By ensuring a staged approach to discipline for those in violation of the no harassment rules, a more remedial and less drastic process would be followed. *The undertaking of such a review is an inexpensive measure, but changes to current practices would be more complex.*

11. Review Guild internal procedures with an eye to addressing member-on-member allegations more effectively

The DGC's Constitution includes a Code of Ethics and Professional Conduct in Article 5. This article specifically prohibits all forms of harassment and discrimination, including sexual harassment, between members. Members refer to the article on "conduct unbecoming a member." Many Canadian trade unions have such provisions in their internal governance structure. The Directors Guild of America applied a sanction under an analogous provision to Harvey Weinstein by revoking his membership. If the DGC feels it would be appropriate to have a mechanism for applying sanctions against a member

found to be engaging in harassing conduct, this mechanism would need to be reviewed, as it is rarely used and difficult to implement. Otherwise, members should be informed that it is not a recommended avenue of redress.

12. Anti-harassment training to cover development of soft skills, including self-care practices and active listening

The current Respectful Workplace course focuses on understanding the difference between acceptable and unacceptable workplace behaviour. It could be enhanced by helping course participants examine behaviours of their own that are potentially harmful as well as reflecting on their own self-care regime and their ability to handle conflict and listen actively to others. *This measure would be inexpensive to implement.*